

HB 2876 -- TRIAL PROCEDURE FOR MURDER IN THE FIRST DEGREE

SPONSOR: Collins

This bill requires a jury in the second stage of a bifurcated trial in a case for murder in the first degree where the death penalty has not been waived, whether the trier in the first stage was a judge or a jury, to assess and declare punishment. If a defendant waives a jury trial or a jury has not been empaneled, the court must assess and declare punishment as life imprisonment without eligibility for probation, parole, or release except by act of the Governor. Any defendant whose sentencing was assessed prior to August 28, 2026, by a judge after a jury was unable to reach a unanimous decision must, on motion to the original sentencing court or to the circuit court where the defendant is incarcerated, be resentenced to life imprisonment without eligibility for probation, parole, or release except by act of the Governor.